

1 AN ACT relating to the school calendar.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 158.070 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Election" has the same meaning as in KRS 121.015;

6 (b) "Minimum school term" or "school term" means not less than one hundred
7 eighty-five (185) days composed of the student attendance days, teacher
8 professional days, and holidays;

9 (c) "School calendar" means the document adopted by a local board of education
10 that establishes the minimum school term, student instructional year or
11 variable student instructional year, and days that school will not be in
12 session;

13 (d) "School district calendar committee" means a committee consisting of:

14 1. One (1) school district principal;

15 2. One (1) school district office administrator other than the
16 superintendent;

17 3. One (1) member of the local board of education;

18 4. Two (2) parents of students attending a school in the district;

19 5. One (1) school district elementary school teacher;

20 6. One (1) school district middle or high school teacher;

21 7. Two (2) school district classified employees; and

22 8. Two (2) community members from the local chamber of commerce,
23 business community, or tourism commission;

24 (e) "Student attendance day" means any day that students are scheduled to be at
25 school to receive instruction, and encompasses the designated start and
26 dismissal time;

27 (f)(e) "Student instructional year" means at least one thousand sixty-two

(1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days;~~[-and]~~

~~(g)~~~~(f)~~ "Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students; and~~[-]~~

(h) "Variable student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by a local board of education which shall be considered proportionally equivalent to one hundred and seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.

(2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local board of education, upon recommendation of the local school district superintendent, shall annually appoint a school district calendar committee to review, develop, and recommend school calendar options.

(b) The school district calendar committee, after seeking feedback from school district employees, parents, and community members, shall recommend school calendar options to the local school district superintendent for presentation to the local board of education. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.

(c) Prior to adopting a school calendar, the local board of education shall hear for discussion the school district calendar committee's recommendations and the recommendation of the superintendent at a meeting of the local board of education.

(d) During a subsequent meeting of the local board of education, the local

1 board shall adopt a school calendar for the upcoming school year that
2 establishes the opening and closing dates of the school term, beginning and
3 ending dates of each school month, student attendance days, and days on
4 which schools shall be dismissed. The local board may schedule days for
5 breaks in the school calendar that shall not be counted as a part of the
6 minimum school term.

7 (e) For local board of education meetings described in paragraphs (c) and (d)
8 of this subsection, if the meeting is a regular meeting, notice shall be given
9 to media outlets that have requests on file to be notified of special meetings
10 stating the date of the regular meeting and that one (1) of the items to be
11 considered in the regular meeting will be the school calendar. The notice
12 shall be sent at least twenty-four (24) hours before the regular meeting.
13 This requirement shall not be deemed to make any requirements or
14 limitations relating to special meetings applicable to the regular meeting.

15 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local
16 school board of education that adopts a school calendar with the first
17 student attendance day in the school term starting no earlier than the
18 Monday closest to August 26 may use a variable student instructional year.
19 Districts may set the length of individual student attendance days in a
20 variable student instructional schedule, but no student attendance day shall
21 contain more than seven (7) hours of instructional time unless the district
22 submitted and received approval from the commissioner of education for an
23 innovative alternative calendar.

24 (3) (a) Each local board of education shall use four (4) days of the minimum school
25 term for professional development and collegial planning activities for the
26 professional staff without the presence of students pursuant to the
27 requirements of KRS 156.095. At the discretion of the superintendent, one (1)

1 day of professional development may be used for district-wide activities and
2 for training that is mandated by federal or state law. The use of three (3) days
3 shall be planned by each school council, except that the district is encouraged
4 to provide technical assistance and leadership to school councils to maximize
5 existing resources and to encourage shared planning.

6 (b) In addition to the four (4) days required under paragraph (a) of this subsection,
7 a minimum of two (2) hours of self-study review of suicide prevention
8 materials shall be required for all high school and middle school principals,
9 guidance counselors, and teachers each school year.

10 (c) A local board may approve a school's flexible professional development plan
11 that permits teachers or other certified personnel within a school to participate
12 in professional development activities outside the days scheduled in the school
13 calendar or the regularly scheduled hours in the school work day and receive
14 credit towards the four (4) day professional development requirement within
15 the minimum one hundred eighty-five (185) days that a teacher shall be
16 employed.

17 1. A flexible schedule option shall be reflected in the school's professional
18 development component within the school improvement plan or
19 consolidated plan and approved by the local board. Credit for approved
20 professional development activities may be accumulated in periods of
21 time other than full day segments.

22 2. No teacher or administrator shall be permitted to count participation in a
23 professional development activity under the flexible schedule option
24 unless the activity is related to the teacher's classroom assignment and
25 content area, or the administrator's job requirements, or is required by
26 the school improvement or consolidated plan, or is tied to the teacher's
27 or the administrator's individual growth plan. The supervisor shall give

1 prior approval and shall monitor compliance with the requirements of
2 this paragraph. In the case of teachers, a professional development
3 committee or the school council by council policy may be responsible
4 for reviewing requests for approval.

5 (d) The local board of each school district may use up to a maximum of four (4)
6 days of the minimum school term for holidays; provided, however, any
7 holiday which occurs on Saturday may be observed on the preceding Friday.

8 (e) Each local board may use two (2) days for planning activities without the
9 presence of students.

10 (f) Each local board may close schools for the number of days deemed necessary
11 for:

- 12 1. National or state emergency or mourning when proclaimed by the
13 President of the United States or the Governor of the Commonwealth of
14 Kentucky;
- 15 2. Local emergency which would endanger the health or safety of children;
16 and
- 17 3. Mourning when so designated by the local board of education and
18 approved by the Kentucky Board of Education upon recommendation of
19 the commissioner of education.

20 (4) (a) The Kentucky Board of Education, upon recommendation of the
21 commissioner of education, shall adopt administrative regulations governing
22 the use of student attendance days as a result of a local emergency, as
23 described in subsection (3)(f)2. of this section, and regulations setting forth
24 the guidelines and procedures to be observed for the approval of waivers from
25 the requirements of a student instructional year in subsection (1)(~~f~~)(~~e~~) of this
26 section for districts that wish to adopt innovative instructional calendars, or
27 for circumstances that would create extreme hardship.

- 1 (b) If a local board of education amends its school calendar after its adoption due
2 to an emergency, it may lengthen or shorten any remaining student attendance
3 days by thirty (30) minutes or more, as it deems necessary, provided the
4 amended calendar complies with the requirements of a student instructional
5 year in subsection (1)~~(f)(e)~~ of this section **or a variable student**
6 **instructional year in subsection (1)(h) of this section**. No student attendance
7 day shall contain more than seven (7) hours of instructional time unless the
8 district submitted and received approval from the commissioner of education
9 for an innovative alternative calendar.
- 10 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
11 consecutive days for the purpose of permitting professional school
12 employees to attend statewide professional meetings.
- 13 2. These two (2) days for statewide professional meetings may be
14 scheduled to begin with the first Thursday after Easter, or upon request
15 of the statewide professional education association having the largest
16 paid membership, the commissioner of education may designate
17 alternate dates.
- 18 3. If schools are scheduled to operate during days designated for the
19 statewide professional meeting, the school district shall permit
20 employees who are delegates to attend as compensated professional
21 leave time and shall employ substitute teachers in their absence.
- 22 4. The commissioner of education shall designate one (1) additional day
23 during the school year when schools may be closed to permit
24 professional school employees to participate in regional or district
25 professional meetings.
- 26 5. These three (3) days so designated for attendance at professional
27 meetings may be counted as a part of the minimum school term.

- 1 (b) 1. If any school in a district is used as a polling place, the school district
2 shall be closed on the day of the election, and those days may be used
3 for professional development activities, professional meetings, or
4 parent-teacher conferences.
- 5 2. A district may be open on the day of an election if no school in the
6 district is used as a polling place.
- 7 (c) All schools shall be closed on the third Monday of January in observance of
8 the birthday of Martin Luther King, Jr. Districts may:
- 9 1. Designate the day as one (1) of the four (4) holidays permitted under
10 subsection (3)(d) of this section; or
- 11 2. Not include the day in the minimum school term specified in subsection
12 (1) of this section.
- 13 (6) (a) The Kentucky Board of Education, or the organization or agency designated
14 by the board to manage interscholastic athletics, shall be encouraged to
15 schedule athletic competitions outside the regularly scheduled student
16 attendance day.
- 17 (b) Beginning with the 2009-2010 school year, any member of a school-
18 sponsored interscholastic athletic team who competes in a regional
19 tournament or state tournament sanctioned by the Kentucky Board of
20 Education, or the organization or agency designated by the board to manage
21 interscholastic athletics, and occurring on a regularly scheduled student
22 attendance day may be counted present at school on the date or dates of the
23 competition, as determined by local board policy, for a maximum of two (2)
24 days per student per year. The student shall be expected to complete any
25 assignments missed on the date or dates of the competition.
- 26 (c) The school attendance record of any student for whom paragraph (b) of this
27 subsection applies shall indicate that the student was in attendance on the date

1 or dates of competition.

2 (7) Students applying for excused absence for attendance at the Kentucky State Fair
3 shall be granted one (1) day of excused absence.

4 (8) Schools shall provide continuing education for those students who are determined
5 to need additional time to achieve the outcomes defined in KRS 158.6451, and
6 schools shall not be limited to the minimum school term in providing this
7 education. Continuing education time may include extended days, extended weeks,
8 or extended years. A local board of education may adopt a policy requiring its
9 students to participate in continuing education. The local policy shall set out the
10 conditions under which attendance will be required and any exceptions which are
11 provided. The Kentucky Board of Education shall promulgate administrative
12 regulations establishing criteria for the allotment of grants to local school districts
13 and shall include criteria by which the commissioner of education may approve a
14 district's request for a waiver to use an alternative service delivery option, including
15 providing services during the student attendance day on a limited basis. These
16 grants shall be allotted to school districts to provide instructional programs for
17 pupils who are identified as needing additional time to achieve the outcomes
18 defined in KRS 158.6451. A school district that has a school operating a model
19 early reading program under KRS 158.792 may use a portion of its grant money as
20 part of the matching funds to provide individualized or small group reading
21 instruction to qualified students outside of the regular classroom during the student
22 attendance day.

23 (9) Notwithstanding any other statute, each school term shall include no less than the
24 equivalent of the student instructional year in subsection (1)(f)(e) of this section,
25 or a variable student instructional year in subsection (1)(h) of this section, except
26 that the commissioner of education may grant up to the equivalent of ten (10)
27 student attendance days for school districts that have an alternative instruction plan

1 approved by the commissioner of education for the use of alternative methods of
2 instruction, including virtual learning, on days when the school district is closed for
3 health or safety reasons, on nontraditional days, or on nontraditional time. The
4 district's plan shall demonstrate how teaching and learning in the district will not be
5 negatively impacted. Average daily attendance for purposes of Support Education
6 Excellence in Kentucky program funding during the student attendance days
7 granted shall be calculated in compliance with administrative regulations
8 promulgated by the Kentucky Board of Education.

9 (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
10 (2) of this section, a school district shall arrange bus schedules so that all buses
11 arrive in sufficient time to provide breakfast prior to the beginning of the student
12 attendance day. In the event of an unforeseen bus delay, the administrator of a
13 school that participates in the Federal School Breakfast Program may authorize up
14 to fifteen (15) minutes of the student attendance day if necessary to provide the
15 opportunity for children to eat breakfast not to exceed eight (8) times during the
16 school year within a school building.

17 (11) Notwithstanding any other statute to the contrary, the following provisions shall
18 apply to a school district that misses student attendance days due to emergencies,
19 including weather-related emergencies:

20 (a) A certified school employee shall be considered to have fulfilled the minimum
21 one hundred eighty-five (185) day contract with a school district under KRS
22 157.350 and shall be given credit for the purpose of calculating service credit
23 for retirement under KRS 161.500 for certified school personnel if:

- 24 1. State and local requirements under this section are met regarding the
25 equivalent of the number and length of student attendance days, teacher
26 professional days, professional development days, holidays, and days for
27 planning activities without the presence of students; and

- 1 2. The provisions of the district's school calendar to make up student
2 attendance days missed due to any emergency, as approved by the
3 Kentucky Department of Education when required, including but not
4 limited to a provision for additional instructional time per day, are met.
- 5 (b) Additional time worked by a classified school employee shall be considered as
6 equivalent time to be applied toward the employee's contract and calculation
7 of service credit for classified employees under KRS 78.615 if:
- 8 1. The employee works for a school district with a school calendar
9 approved by the Kentucky Department of Education that contains a
10 provision that additional instructional time per day shall be used to make
11 up full days missed due to an emergency;
- 12 2. The employee's contract requires a minimum six (6) hour work day; and
- 13 3. The employee's job responsibilities and work day are extended when the
14 instructional time is extended for the purposes of making up time.
- 15 (c) Classified employees who are regularly scheduled to work less than six (6)
16 hours per day and who do not have additional work responsibilities as a result
17 of lengthened student attendance days shall be excluded from the provisions
18 of this subsection. These employees may be assigned additional work
19 responsibilities to make up service credit under KRS 78.615 that would be
20 lost due to lengthened student attendance days.